

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 23, 2006**

## DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Jackson, J. (Assigned) and P. Gonzalez, Deputy Clerk.

In open court Acting Presiding Justice Mallano welcomes the visiting high school classrooms on behalf of Division One.

B186584      People  
v.  
Corey Hart

Merits:  
Argued by Nancy Gaynor for appellant and by William Shin for respondent. Cause submitted.

Court adjourned.

### DIVISION THREE

B185839      General Facilities, Inc.      (Not for Publication)  
v.  
Claude E. Atkins Enterprises, Inc.

The judgment is affirmed. Atkins shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION FIVE

B186070 People (Not for Publication)

V.

Alfredo G. Gutierrez

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.

Kriegler, J.

DIVISION SIX

B183784      Cappello      (Not for Publication)

V.

# Cappello

The order is affirmed. Costs to husband.

Yegan, J.

We concur:   Gilbert, P.J.

Coffee, J.

B188607 Domino's Pizza, et al. (Not for Publication)

V.

Workers' Compensation Appeals Board, et al.

The order denying removal is annulled. Board is directed to set aside and vacate its previous order and enter a new order granting the petition for removal to Santa Barbara County.

Coffee, J.

We concur: Yegan, Acting P.J.

Perren, J.

## DIVISION SIX (Continued)

B185259      People      (Not for Publication)  
v.  
Ayala

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B190118      Ventura County Human Services Agency      (Not for Publication)  
v.  
Randy F., et al.

We reverse the judgment terminating parental rights and remand for the limited determination of the applicability of the ICWA. If, following proper inquiry and notice, the juvenile court expressly determines that the ICWA does not apply, it shall reinstate the order terminating parental rights. The orders are otherwise affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B189292      Hartnett      (Not for Publication)  
v.  
Landicho et al.,

The judgment is affirmed. Costs on appeal are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

DIVISION SIX (Continued)

B187027     People  
              v.  
              Treas

Filed order denying petition for rehearing.

B185095     People  
              v.  
              Winfield

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

B183953     Roshan  
              v.  
              Enstrom Lipscomb & Lack et al.,

Filed order denying petition for rehearing.

B178913     Gibbs                                 (Not for Publication)  
              v.  
              Boeing Satellite Systems, Inc. et al.,

The judgment is reversed to the extent it awards punitive damages, and is otherwise affirmed. The parties are to bear their own costs on appeal.

Boland, Acting P.J.

We concur: Flier, J.  
              Coffee, J. (Assigned)